

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2332 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

JAGANBHAI LALLUBHAI PATEL

Versus

COMPETENT AUTHORITY & ADDL. COLLECTOR (ULC)

Appearance:

MR KK TRIVEDI for Petitioner

MR TH SOMPURA, AGP for Respondent Nos. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 15/06/98

ORAL JUDGEMENT

Rule. In the facts and circumstances of the case, the petition is taken up for final disposal. I have heard Mr Trivedi, learned counsel for the petitioner and Mr Sompura, learned AGP for the respondents.

2. The petitioner had submitted an application under Section 21 of the Urban Land (Ceiling & Regulations) Act, 1976 (hereinafter referred to as "the Act") for exemption

of the said land from the provisions of the Act, for the purpose of constructing dwelling units for weaker section of the society. The grievance of the petitioner in this petition is that although his application under Section 21 of the Act was made within the prescribed time limit, it is not decided even after lapse of more than seven years. According to the learned counsel for the petitioner, the petitioner had submitted his application under Section 21 of the Act on 9.1.1991. It is further submitted that in view of the inaction on the part of the respondents for all these years, the petitioner has no other alternative but to pray for a writ of mandamus to direct the authority to decide the aforesaid application which is pending since last more than seven years.

3. In response to the notice issued by this Court, Mr Sompura, learned AGP appears for the respondents. Mr Sompura has not disputed the aforesaid averments made on behalf of the petitioner.

4. In view of the aforesaid undisputed facts, it is clear that the respondents are required to be directed to decide the pending application of the petitioner under Section 21 of the Act, as expeditiously as possible, since it has already been pending for the last seven years. It is accordingly directed that the respondents shall decide the petitioner's pending application under Section 21 of the Act within three months from the date of receipt of this order.

5. It is clarified that the aforesaid direction is required to be issued, in view of the fact that the application has been pending for the last seven years. This direction may not be treated as a direction to decide the application one way or the other.

6. Rule is made absolute to the aforesaid extent.
No order as to costs.

June 15, 1998 (M.S. Shah, J.)